

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DILLON LUKE WARD,

Plaintiff,

v.

No. 20-0743 WJ/SMV

CURRY COUNTY ADULT DETENTION CENTER,

Defendant.

ORDER GRANTING LEAVE TO PROCEED UNDER 28 U.S.C. § 1915

THIS MATTER is before the Court on Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs [Doc. 3], filed on August 31, 2020. Based on analysis of his application and the inmate account statement, *id.* at 3, the Court will grant Plaintiff leave to proceed under 28 U.S.C. § 1915. Because the Court will grant the application, the filing fee for this civil rights complaint is \$350. Pursuant to § 1915(b)(1), Plaintiff is required to make installment payments until the full amount of the filing fee is paid.

Plaintiff had been incarcerated for less than two months prior to filing of the present Application. [Doc. 3] at 1. Plaintiff's inmate account statement shows total deposits over the one-month period preceding filing in the amount of \$180. *Id.* at 3. Analyzing Plaintiff's inmate account statement under § 1915(b)(1), the Court finds that Plaintiff owes an initial partial payment of \$36 (20% of \$180). If Plaintiff fails to make a payment by the designated deadline or show cause why such payment should be excused, the Complaint may be dismissed without further notice.


IT IS THEREFORE ORDERED that the Application to Proceed in District Court Without Prepaying Fees or Costs [Doc. 3] filed is **GRANTED**.

IT IS FURTHER ORDERED that, **no later than January 22, 2021**, Plaintiff send to the Clerk an initial partial payment of **\$36** or show cause why payment should be excused.

IT IS FURTHER ORDERED that the Clerk provide Plaintiff with two copies of this Order, and that Plaintiff make the necessary arrangements to attach one copy of this Order to the check in amount of the initial partial payment.

IT IS FURTHER ORDERED that, after payment of the \$36 initial partial fee, Plaintiff make monthly payments of 20% of the preceding month's income credited to his account or show cause why the designated payments should be excused.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge